

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 10,
15 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was
16 represented by Roger Rogoff, and defendant was represented by Paula Deutsch. Also present
17 was Senior U.S. Probation Officer Mark J. Chance. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

19 Defendant pled guilty and was sentenced on February 23, 2009 by the Honorable Charles B.
20 Kornmann of the District of South Dakota for Failure to Pay Legal Child Support. He received 5
21 years of supervised release. On May 14, 2009, an order transferring jurisdiction from the District
22 of South Dakota to the Western District of Washington was initiated. The Court consented to
23 this jurisdiction transfer. On June 5, 2009, jurisdiction was accepted and assumed by the

1 Western District of Washington.

2 On February 20, 2010, a violation report and request for warrant was submitted by the
3 probation officer alleging that Mr. Bingham violated the terms of his probation by: failing to pay
4 \$200 monthly towards restitution; failing to notify the probation officer prior to changing
5 residence, committing the crimes of assault and felony harassment on or before January 23,
6 2010; and failing to cooperate in the collection of DNA. The Court issued a warrant for Mr.
7 Bingham's arrest on February 17, 2010.

8 On June 17, 2010, Mr. Bingham appeared before the Court for sentencing regarding the
9 above mentioned violations of supervision. Ultimately, he admitted to two violations (failing to
10 pay towards restitution and failing to notify the probation officer before changing residence) with
11 the remaining two violations being dismissed. His term of probation was revoked and he was
12 sentenced to 50 days custody, or until a residential reentry center ("RRC") bed space became
13 available, followed by 12 months of supervised release. He released to a Tacoma RRC on June
14 24, 2010, for up to 120 days confinement.

15 Mr. Bingham's term of supervision commenced June 24, 2010 and is scheduled to routinely
16 terminate on June 23, 2011.

17 **PRESENTLY ALLEGED VIOLATIONS**

18 In a petition dated September 7, 2010, Senior U.S. Probation Officer Mark J. Chance
19 alleged that defendant violated the following conditions of supervised release:

20 1. Failing to notify the probation officer at least ten days prior to changing residence,
21 in violation of standard condition No. 6.

22 2. Failing to participate in a program approved by the probation office for treatment of
23 narcotic addiction, drug dependent, or substance abuse, in violation of a special condition.

3. Violating a No Contact Order in Kent, WA, on or before August 27, 2010, in violation of the general condition that he not commit another federal, state, or local crime.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted to violation 1. The government withdrew violation 2. The Court found defendant in violation of violation 3 based on stipulated records; the judgment order, docket, and police reports. Defendant waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing on February 11, 2010 at 10:00 a.m. before District Judge Richard A. Jones.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 10th day of January, 2011.


BRIAN A. TSUCHIDA
United States Magistrate Judge